

**REMARKS/ARGUMENTS**

The Assignee acknowledges receipt of the Office action mailed on January 22, 2008 (hereinafter "*the Office action*") which: 1) alleges that the pending claims are not entitled to priority of the provisional patent application; 2) rejects claim 14 as allegedly failing to comply with 35 U.S.C. 112 ¶2; and 3) rejects claims 7-15 under 35 U.S.C. § 103 as allegedly obvious. With this Amendment, the Assignee amends the claims 7, 11, and 13, and adds new claims 16-21. Accordingly, after entry of this Amendment and Response, claims 7-21 remain pending (claims 1-6 having been previously cancelled)

**I. Priority Claim**

The instant application claims priority to U.S. provisional patent application number 60/422,759, filed on October 30, 2002 (hereinafter "*the provisional patent application*"). The *Office action* alleges that the pending claims are not entitled to the filing date of the provisional application. Furthermore, the *Office action* requests the Assignee to show support in the provisional application for the pending claims. The Assignee respectfully disagrees with the *Office action's* assertion regarding the priority claim and provides the requested support below. Based on the following, the Assignee respectfully submits that the pending claims are entitled to the priority date of the provisional patent application:

**Claim 7**

Claim Language:	Support is found in the Provisional Specification at least at:
A wireless data communication system, comprising: one or more slave devices, wherein at least one slave device comprises a remote telemetry unit (RTU);	<ul style="list-style-type: none"> <li>• Page 2, lines 21-31</li> <li>• Page 5, "Data Flow Diagram" and accompanying text</li> </ul>
one or more slave host computers able to perform remote control of said RTU's and logging of measurement data as well as event logging of alarm messages of said RTU's	<ul style="list-style-type: none"> <li>• Page 2, lines 1-20</li> <li>• Page 5, "Data Flow Diagram" and accompanying text</li> <li>• Software code at page 6</li> </ul>
a master host computer for directing wireless data messages between the RTU's and the one or more slave host computers, performing remote control of said RTU's and archiving or logging of measurement data and event logging of alarm messages of said RTU's, wherein each wireless data messages transmitted from said master host computer to	<ul style="list-style-type: none"> <li>• Page 2, lines 1-20</li> <li>• Page 5, "Data Flow Diagram" and accompanying text</li> <li>• Page 3, lines 6-13</li> <li>• Software code at page 6</li> </ul>

said slave devices is transmitted to multiple slave devices	
a data radio communication network connecting said master host computer and said one or more slave devices, wherein each slave device has a unique address in the network	<ul style="list-style-type: none"> <li>• Page 2, line 21 through page 3, line 22</li> <li>• Page 3, lines 6-13</li> </ul>
a means for connecting said one or more slave host computers to said data radio communication network, wherein said wireless data messages contain a destination address corresponding to the unique network address of the slave device that the data message is intended for, wherein each slave device is able to compare its unique network address with the destination address contained in the wireless data message, and wherein the wireless data message is submitted to the master host computer prior to being sent to the multiple slave devices and the master host computer re-broadcasts the wireless data message to the multiple slave devices	<ul style="list-style-type: none"> <li>• Page 1, lines 24-30</li> <li>• Page 5, "Data Flow Diagram" and accompanying text</li> <li>• Page 3, lines 23-32</li> <li>• Software code at page 6</li> </ul>

#### Claim 8

Claim Language:	Support is found in the Specification at least at:
The wireless data communication system as claimed in claim 7 wherein said measurements comprise pressure and flow volume measurements of gas or oil wells.	<ul style="list-style-type: none"> <li>• Page 2, 1-20</li> </ul>

#### Claim 9

Claim Language:	Support is found in the Specification at least at:
The wireless data communication system as claimed in claim 7 wherein said remote control of the RTU's comprises incrementally opening and closing valves in gas or oil wells.	<ul style="list-style-type: none"> <li>• Page 2, 1-20</li> </ul>

#### Claim 10

Claim Language:	Support is found in the Specification at least at:
The wireless data communication system as claimed in claim 7 wherein said	<ul style="list-style-type: none"> <li>• Page 2, line 21 through page 3, line 22</li> </ul>

master host computer comprises a spread spectrum or licensed frequency data radio.	
--	--

### Claim 11

Claim Language:	Support is found in the Specification at least at:
The wireless data communication system as claimed in claim 7 wherein said data radio communication network comprises a spread spectrum or licensed frequency data radio	<ul style="list-style-type: none"> <li>Page 2, line 21 through page 3, line 22</li> <li>Page 5, "Data Flow Diagram" and accompanying text</li> </ul>
one or more slave radios connected to said RTU's and the slave host computers;	
a master radio connected to the master host computer able to send and receive transmissions from the one or more slave radios to allow connectivity between said master host computer and said slave radios; and	
one or more repeater radios.	

### Claim 12

Claim Language:	Support is found in the Specification at least at:
The wireless data communication system as claimed in claim 7 wherein said one or more slave host computers comprise a spread spectrum or licensed frequency data radio.	<ul style="list-style-type: none"> <li>Page 2, line 21 through page 3, line 22</li> </ul>

### Claim 13

Claim Language:	Support is found in the Specification at least at:
A method of allowing multiple slave host computers to communicate on a wireless data communication system, said communication system comprising a master host computer for directing wireless data messages, one or more remote telemetry units (RTU's), a data radio communication network connecting said master host computer and said one or more RTU's, wherein each RTU has a unique address in the network; one or more slave host computers connected to the data radio communication network and able to perform remote control of said RTU's and data archiving or logging of measurement data and event logging of alarm messages of said	<ul style="list-style-type: none"> <li>Page 5, "Data Flow Diagram" and accompanying text</li> </ul>

RTU's; and one or more slave radios connected to said RTU's, said method comprising the steps of	
linking a master host computer to the data radio communication network, wherein the master host computer directs data messages on the network between the RTU's and the one or more slave host computers;	<ul style="list-style-type: none"> <li>• Page 3, lines 23-32</li> <li>• Page 5, "Data Flow Diagram" and accompanying text</li> </ul>
assigning to each data message a destination address corresponding to the master host computer, slave host computer, or RTU that the data message is intended for;	<ul style="list-style-type: none"> <li>• Page 3, lines 6-13</li> </ul>
receiving data messages at the master host computer from any slave host computer;	<ul style="list-style-type: none"> <li>• Page 3, lines 23-32</li> <li>• Page 5, "Data Flow Diagram" and accompanying text</li> </ul>
re-broadcasting data messages received by the master host computer intended for one or more of the RTU's to multiple slave radios;	<ul style="list-style-type: none"> <li>• Page 3, lines 23-32</li> <li>• Page 5, "Data Flow Diagram" and accompanying text</li> <li>• Software code at page 6</li> </ul>
transmitting data messages received by the slave radios from the master host computer to the RTU's; and	<ul style="list-style-type: none"> <li>• Page 3, lines 23-32</li> <li>• Page 5, "Data Flow Diagram" and accompanying text</li> </ul>
comparing at each RTU the destination address of the data messages received from the one or more slave radios with the unique network address of the RTU;	<ul style="list-style-type: none"> <li>• Page 3, lines 23-32</li> </ul>
wherein step c) is performed prior to step d).	<ul style="list-style-type: none"> <li>• Page 3, lines 23-32</li> </ul>

#### Claim 14

Claim Language:	Support is found in the Specification at least at:
The method of claim 13 further comprising the steps of:	<ul style="list-style-type: none"> <li>• Page 3, lines 23-32</li> <li>• Page 5, "Data Flow Diagram" and accompanying text</li> </ul>
transmitting a second data message from one of the RTU's to the master host computer through one or more of the slave radios, wherein the second data message has a second destination address;	
determining if the second destination address corresponds to the master host computer; and	
transmitting the second data to multiple slave host computers when the second destination address does not correspond to the master host computer	

**Claim 15**

Claim Language:	Support is found in the Specification at least at:
The method of claim 13 further comprising allowing one or more slave host computers to be installed in a mobile vehicle to allow an operator to access trending measurement data, event log of alarm messages and provide control of one or more RTU's from remote locations.	<ul style="list-style-type: none"> <li>• Page 1, lines 18-21</li> <li>• Page 2, lines 1-20</li> </ul>

**Claim 16**

Claim Language:	Support is found in the Specification at least at:
The wireless data communication system of claim 7, wherein the RTU or slave host computer that originates the wireless data message disregards the re-broadcast by the master host computer.	<ul style="list-style-type: none"> <li>• Page 3, lines 23-32</li> <li>• Page 5, "Data Flow Diagram" and accompanying text</li> <li>• Software code at page 6</li> </ul>

**Claim 17**

Claim Language:	Support is found in the Specification at least at:
The wireless data communication system of claim 7, wherein the unique network address further comprises a source identifier corresponding to the RTU or slave host computer that originates the message and when an RTU or slave host computer responds to the wireless data message by swapping the source identifier contained within the wireless data message with its own source identifier.	<ul style="list-style-type: none"> <li>• Page 3, lines 23-32</li> <li>• Software code at page 6</li> </ul>

**Claim 18**

Claim Language:	Support is found in the Specification at least at:
The wireless data communication system of claim 7, wherein there is no direct link between the one or more slave host computers and the RTUs.	<ul style="list-style-type: none"> <li>• Page 5, "Data Flow Diagram" and accompanying text</li> </ul>

**Claim 19**

Claim Language:	Support is found in the Specification at least at:
The method of claim 13, further comprising	<ul style="list-style-type: none"> <li>• Page 3, lines 23-32</li> </ul>

disregarding, by the slave host computer that originated the wireless data message, the re-broadcasted wireless data message.	<ul style="list-style-type: none"> <li>• Page 5, "Data Flow Diagram" and accompanying text</li> <li>• Software code at page 6</li> </ul>
---	--

### Claim 20

Claim Language:	Support is found in the Specification at least at:
The method of claim 13, wherein the unique network address further comprises a source identifier corresponding to the RTU or slave host computer that originates the message, and the when an RTU or slave host computer responds to the wireless data message, swapping the source identifier contained within the wireless data message with its own source identifier.	<ul style="list-style-type: none"> <li>• Page 3, lines 23-32</li> <li>• Software code at page 6</li> </ul>

### Claim 21

Claim Language:	Support is found in the Specification at least at:
The method of claim 13, wherein there is no direct link between the one or more slave host computers and the RTUs.	<ul style="list-style-type: none"> <li>• Page 5, "Data Flow Diagram" and accompanying text</li> </ul>

## II. Claim Rejections Under 35 U.S.C. § 112

The *Office action* rejects claim 14 under 35 U.S.C. § 112 as allegedly indefinite because "it is not clear why or how the destination address can be something other than the address of the host computer." The Assignee respectfully traverses and submits that the claim is clear in light of the Specification and the provisional patent application. For example, at page 3, lines 28-32 of the provisional patent application, a procedure is described where the master host computer receives all messages transmitted from RTUs and/or host computers. Also, the Specification from the non-provisional patent application gives examples of the master host computer receiving transmitted messages at least at paragraph [0022]. The master host computer then determines if these messages are intended for it, or some other component (e.g., RTUs or host computer) and then distributes to all the host computers and/or RTUs so that they each can then check the message to determine if it is intended for them.

As supported above, the reason why the destination address can be something other than the host computer is because the final destination of the message may be any of the master host computer, any other host computer, and/or any RTU, and may be addressed accordingly. Furthermore, since all messages must first go through the master host computer,

then depending upon the address of the final destination, it may be the case where the destination address is something other than the host computer (e.g., another host computer, master host computer, or RTUs). For at least these reasons, the Assignee respectfully submits that claim 14 is not indefinite under 35 U.S.C. § 112.

### III. Claim Rejections Under 35 U.S.C. § 103

The *Office action* rejects pending claims 7-15 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,980,929 issued to *Aronstam et al.* (hereinafter, “*Aronstam*”). The Assignee respectfully traverses these rejections, because the claims, as amended,<sup>1</sup> are distinguishable over *Aronstam*.

For example, claim 7, as amended, requires that the “wireless data message is submitted to the master host computer prior to being sent to the multiple slave devices and the master host computer re-broadcasts the wireless data message to the multiple slave devices” (emphasis added).<sup>2</sup> Thus, communications between the various components in the system, such as RTUs, slave host computers, and the master host computer are conducted by going through the master host computer, which re-broadcasts the messages as appropriate. *Aronstam*, on the other hand, teaches a “well” data collection system that uses Internet protocol for its communications, where each well has an IP address. See e.g., Figs. 2 and 3; Col. 3, 20-22. Systems with IP addresses, such as the type disclosed in *Aronstam*, operate such that each device in the system receives a broadcast message containing the IP address of the destination system rather than sending them all to a master host computer first. In *Aronstam*, the device with the IP address that matches the IP address contained in the broadcast message then receives the data exclusive of other non-addressed devices. Importantly, in *Aronstam*, the data is not conditionally passed to other devices based upon a master host computer. This approach is different than the claimed master host computer that receives messages from transmitting devices, such as RTUs or slave host computers, and then re-broadcasts those messages as appropriate. Only if the message is intended for the master host computer is the message not to be re-broadcasted. *Aronstam* fails to teach or suggest this process, and therefore, claim 7 and its dependent claims are patentable over *Aronstam*.

---

<sup>1</sup> Notwithstanding these amendments, the Assignee reserves all rights, including the right to rebut any estoppel presumptions that may limit the scope of claims.

<sup>2</sup> As was discussed above, support for this amendment may be found in the provisional patent application at least at page 1, lines 24-30, page 5, “Data Flow Diagram” and accompanying text, page 3, lines 23-32, and/or Software code at page 6.

Akin to claim 7, claim 13, as amended, requires a wireless data message be submitted to the master host computer prior to being sent to the multiple slave devices and the master host computer re-broadcasting the wireless data message to the multiple slave devices. Accordingly, for at least the reasons identified above with regard to claim 7, claim 13 and its dependent claims are patentable over *Aronstam*.



### CONCLUSION

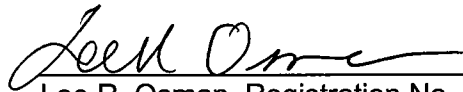
After entry of the above listing of claims and remarks claims 7-21 remain in the application. In accordance with the amendments and arguments set forth herein, the Assignee respectfully submits the application and all claims are in a condition for allowance, and requests such prompt allowance.

This response and amendment is submitted contemporaneously with a Request for Continued Examination and a request for one-month extension of time. Accordingly, please charge Deposit Account No. 04-1415 in the amount of \$810.00 for the fee for a Request for Continued Examination and \$120.00 for the fee for a one-month extension of time. The Applicant believes that no further fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 as necessary.

Should any issues remain that the Examiner believes may be dealt with in a telephone conference, he is invited to contact the undersigned at 303-629-3400.

Dated this 22 day of May, 2008.

Respectfully submitted,



Lee R. Osman, Registration No. 38,260  
USPTO Customer No. 20686

DORSEY & WHITNEY LLP  
370 17<sup>th</sup> Street, Suite 4700  
Denver, Colorado 80202-5647  
Telephone: 303-629-3400  
Facsimile: 303-629-3450

4810-7843-3282\1